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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
MEETING DATE AND TIME:	Tuesday, November 13, 2012 at 1:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Cannon Building, Second-Floor Conference Room B
MINUTES APPROVED:	February 12, 2013

MEMBERS PRESENT

Terri White, Professional Member, President
Frances Wimbush, Public Member, Secretary
Mike Salitsky, Professional Member
E. Ray Quillen, Professional Member
Sandra Dole, Healthcare/Public Member
Hope Squier, Healthcare/Public Member
Elizabeth Hague, Public Member
Tim Bane, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Daniel Stevenson, Deputy Attorney General
Michele Howard, Administrative Specialist II

MEMBERS ABSENT

Victorine Parker, Public Member

PUBLIC PRESENT

Juli Labadia, Wilcox & Fetzer

CALL TO ORDER

Ms. White called the meeting to order at 1:01 p.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the September 11, 2012 meeting. Ms. White made a motion, seconded by Ms. Wimbush, to approve the minutes as presented. The motion carried unanimously.

RULES & REGULATIONS PUBLIC HEARING – 1:15 P.M.

BOARD PRESENT: Terri White, Francis Wimbush, Mike Salitsky, Ray Quillen, Sandra Dole, Elizabeth Hague, Timothy Bane, Hope Squier

PUBLIC PRESENT: None

PURPOSE: The Delaware Board of Examiners of Nursing Home Administrators pursuant to 24 Del.C. §5206 (1) proposes to revise their rules and regulations. The proposed revision to the rules increases the continuing education credits allowed for online and similar courses from 12 to 24 continuing education credits per renewal period. The proposed revision also allows Preceptors to receive 3 continuing education credits per student with a maximum of 6 credits allowed per licensure period.

PRESIDING: Terri White, President

DIVISION STAFF: Michele Howard, Administrative Specialist II

BOARD COUNSEL: Daniel Stevenson, Deputy Attorney General

COURT REPORTER: Juli Labadia, Wilcox and Fetzer

The hearing began at 1:38 p.m. Mr. Stevenson read aloud the purpose of the hearing as stated above. Mr. Stevenson stated that the proposed changes and notification of the public hearing were published in the October 1, 2012, Delaware Register of Regulations, and in two newspapers. Mr. Stevenson introduced the affidavit of publication from The News Journal as Board Exhibit 1, and the affidavit of publication from the Delaware State News as Board's Exhibit 2. Mr. Stevenson stated that no written public comment was received. The Board members introduced themselves for the record. No public was present for comment. Ms. White made a motion, seconded by Mr. Quillen, to conclude this portion of the hearing at 1:41 p.m. The motion carried unanimously. The Board went off the record.

Mr. Stevenson explained that due to recent legislative changes, the Board must allow 15 days after the hearing to receive additional public comment. The Board will review any written public comment received in the next 15 days at its next meeting. The hearing will conclude and the Board Order will be signed at the Board's next meeting.

UNFINISHED BUSINESS

REQUEST TO RETAKE NAB EXAM, TINA LAROSE

Review Progress Report for Additional 40-Hour AIT

Presentation of Book, *Coaching Natural Attitudes Through the AAVA Approach*, by Tina Larose

Ms. White reviewed the 40-Hour AIT Progress Report submitted by Tina Larose and summarized it for the Board. After discussion, Ms. White made a motion, seconded by Ms. Dole, to allow Ms. Larose to retake the NAB exam. The motion carried unanimously. Ms. White circulated a copy of Ms. Larose's book, *Coaching Natural Attitudes Through The AAVA Approach* for the Board's review.

CONTINUING EDUCATION AUDIT OF LICENSEES

Sign Board Order for Dennis E. Koza – Mr. Salitsky / Ms. Wimbush

Ms. Howard stated that after the September meeting, she emailed Mr. Salitsky and Ms. Wimbush regarding the need for an additional signature on the Board Order of Dennis Koza. Mr. Salitsky responded to Ms. Howard and advised that the Order could wait until the Board's November meeting. Mr. Salitsky and Ms. Wimbush signed the Order.

REVIEW OF RULES & REGULATIONS, INACTIVE LICENSE STATUS

Summary of Inactive License Status in Other States – Mr. Salitsky

Summary of Inactive License Status for DE Board of Nursing – Ms. Wimbush

Review Language for Inactive License Status From Other DE Professional Boards – Mr. Stevenson

Mr. Salitsky reported that although he contacted several states for information regarding their laws for inactive licensure, only Pennsylvania responded to his inquiry. Mr. Salitsky currently has an inactive license in Pennsylvania and stated that the Pennsylvania Board office sent him an application to reactivate his license. Mr. Salitsky distributed copies of Pennsylvania's reactivation application form, and stated that the reactivation fee is the same as the fee for a new license. Mr. Salitsky summarized the questions on the application form for the Board, and stated that upon reactivation in PA, the licensee must provide proof of continuing education taken during the current licensure period. He added that the Pennsylvania Board will accept any credits that are also accepted by the State he is currently licensed in. Mr. Salitsky stated his opinion that Delaware needs to offer an inactive license status.

Ms. Howard reminded the Board of how the discussion of inactive licensure originally started. Ms. Howard stated that the Board's licensure law provides statutory authority for an inactive license type for Nursing Home Administrators, however, the Board has never promulgated Rules and Regulations to clarify the license type. The question before the Board is whether they would prefer inactive status to be for a fixed non-renewable term, or an indefinite renewable term. Mr. Stevenson added that the Board also needed to decide how to handle continuing education for licensees requesting inactive status, or reactivation of an inactive license.

After discussion, Ms. Howard and Mr. Stevenson agreed that any Rules promulgated regarding inactive licensure must apply to all licensees. Mr. Stevenson distributed samples of Rules regarding inactive licensure for the Board of Podiatry and the Board of Mental Health for the Board's review.

After further discussion, Ms. White and Mr. Quillen agreed that a licensee should be limited to a maximum of four years of inactive status, and must provide proof of continuing education in order to have the license reactivated. Mr. Stevenson will prepare a draft of proposed Rules and Regulations for the Board's review at its January meeting.

NEW BUSINESS

RECONSIDER MARYLAND'S LICENSURE LAW FOR RECIPROCITY (MISSING REQUIREMENT OF 120-HOUR COURSE IN NURSING HOME ADMINISTRATION) – MR. STEVENSON

REVIEW OF APPLICATIONS FOR LICENSURE

Kevin Goedeke (NHA Licensure by Reciprocity, Maryland)

Robert J. Lanza, Jr. (NHA Licensure by Reciprocity, Maryland)

Ms. White stated that the Board has recently received applications requesting NHA licensure through reciprocity from Maryland licensees. It has come to the Board's attention that Maryland may no longer require its licensees to complete a 120-hour course in Nursing Home Administration, which is a licensing requirement in Delaware. Mr. Stevenson advised that "substantially similar" does not mean exactly the same; it means what the Board deems as substantially similar. Mr. Salitsky reviewed the applications of Kevin Goedeke and Robert J. Lanza Jr. and questioned why Maryland licensed them without having completed a 120-hour course in Nursing Home Administration. Mr. Stevenson and Ms. Howard noted that Mr. Goedeke and Mr. Lanza submitted their applications relying on the instructions provided on the Board's website and application form, which currently list Maryland as being substantially similar to Delaware. Mr. Stevenson advised the Board to consider the applications separately from its decision regarding whether Maryland is still substantially similar to Delaware or not. After further discussion, Ms. White stated that her facility has a community in Maryland and she will check to see if Maryland has changed its licensure requirements.

Ms. White made a motion, seconded by Ms. Hague, to approve NHA licensure by reciprocity for Mr. Goedeke and Mr. Lanza. Mr. Salitsky questioned, and Mr. Stevenson responded, that the Board was not setting a precedent. The motion carried unanimously.

RATIFICATION OF LICENSURE

David C. Albert (NHA Licensure by Reciprocity)

Stephen R. La Pierre (NHA Licensure by Reciprocity)

Megan L. Nessell (NHA Licensure by AIT)

Michelle A. Domenici (Temporary NHA)

Rita M. Doherty (Temporary NHA)

Robert J. Lanza, Jr. (Temporary NHA)

Mr. Salitsky made a motion, seconded by Mr. Quillen, to ratify the licensure of David C. Albert, Stephen R. La Pierre, Megan L. Nessell, Michelle A. Domenici, Rita M. Doherty, and Robert J. Lanza, Jr. The motion carried unanimously.

REVIEW OF APPLICATIONS FOR LICENSURE

Rita Doherty (NHA Licensure by Reciprocity, Washington)

Ms. White reviewed the application and summarized it for the Board. Mr. Stevenson stated that he had reviewed the licensure law of Washington, but was unable to provide copies for the Board's review because his printer was out of order. Mr. Stevenson added that in his opinion, Washington's requirements seemed substantially similar to Delaware, but wanted the Board to review Washington's requirements and make the final decision. Ms. Howard located Washington's licensure requirements online and summarized them for the Board. Ms. White made a motion, seconded by Mr. Quillen, to approve the NHA licensure of Rita Doherty. The motion carried unanimously.

Ms. White made a motion, seconded by Ms. Wimbush, to add Washington to the Board's list of substantially similar states. The motion carried unanimously.

Karen Painter (NHA Licensure by Reciprocity, New Hampshire)

Ms. White reviewed the application and summarized it for the Board. Mr. Stevenson stated that he had reviewed the licensure law of New Hampshire, but was unable to provide copies for the Board's review because his printer was out of order. Mr. Stevenson added that in his opinion, New Hampshire's requirements seemed substantially similar to Delaware, but wanted the Board to review New Hampshire's requirements and make the final decision. Ms. Howard located New Hampshire's licensure requirements online and summarized them for the Board. Ms. Quillen made a motion, seconded by Mr. Salitsky, to approve the NHA licensure of Karen Painter. The motion carried unanimously.

Ms. White made a motion, seconded by Ms. Wimbush, to add New Hampshire to the Board's list of substantially similar states. The motion carried unanimously.

Heather Lynch-James (AIT)

Ms. White reviewed the AIT application of Heather Lynch-James and summarized it for the Board. Ms. White made a motion, seconded by Mr. Salitsky, to approve Ms. Lynch-James for a 12 -month AIT program contingent upon receipt of an amended letter from her SNF Preceptor stating that she will complete 25% (not 20%) of her training in a Skilled Nursing Facility. The motion carried unanimously.

Heather Lynch-James (Temporary NHA)

Ms. White reviewed the Temporary NHA application of Heather Lynch-James and summarized it for the Board. Ms. White reported that Ms. Lynch-James owns and operates Serenity Gardens nursing home facility in Middletown, DE. Ms. Howard stated that Ms. Lynch-James explained that she could not provide W-2 forms from Serenity Gardens because she did not take a salary as the facility's owner. In lieu of W-2 forms, Ms. Lynch-James submitted a letter from DE Health and Social Services Division of Long Term Care Residents Protection stating that she has been the Director of Nursing and Owner of Serenity Gardens Recuperation Center since April 15, 2005. Mr. Salitsky stated that Ms. Lynch-James is having difficulty keeping a part-time Administrator for 20 hours per week. Ms. White stated that Ms. Lynch-James has been a nurse since 1996. After discussion, Mr. Quillen made a motion, seconded by Ms. Squier, to approve the Temporary NHA licensure of Heather Lynch-James contingent upon receipt of documentation satisfactory to the Board that she has been the owner of Serenity Gardens for the past three years. The motion carried unanimously.

REVIEW OF AIT PROGRESS REPORTS

Tameka Hackett (3rd Qtr / Final Report, needs permission to test, Mr. Salitsky recused)

Ms. White reviewed the report and summarized it for the Board. Ms. White made a motion, seconded by Ms. Wimbush, to accept the 3rd / final quarterly report of Tameka Hackett and grant her permission to sit for the NAB exam. The motion carried by majority with Mr. Salitsky recused from the vote.

Rawlida Trapp – Update from Ms. Howard

Ms. Howard stated that Ms. Trapp has not submitted her second or third quarter AIT progress reports, which were due after 7/11/12 and 10/5/12 respectively. Pursuant to the Board's decision at its September meeting, Ms. Howard sent a letter to Ms. Trapp requesting the report. However, the letter was returned to the Board office as "unclaimed". Mr. Salitsky will discuss Ms. Trapp's deficient reports with her preceptor, David Bolton.

REVIEW OF AIT SUMMARY REPORTS – Ms. Howard

Ms. Howard gave a summary of the progress of Administrators In Training as of 11/13/12, noting that Rawlida Trapp and Tom Shea had outstanding progress reports. Mr. Salitsky will remind Mr. Shea that his report is due.

REVIEW OF CONTINUING EDUCATION APPROVAL REQUESTS:

Delaware Hospice, Inc, Milford, DE

Looking to the Future: The Role of Advance Care Planning, 12/10/12, Requesting 6.0 CEUs

Ms. Hague reviewed the application for approval of continuing education from Delaware Hospice. Ms. Hague noted that the supporting documentation received with the application represented five hours and thirty-five minutes of course time, and not six hours as requested. Mr. Salitsky made a motion, seconded by Ms. Squier, to approve the course titled, *Looking to the Future: The Role of Advance Care Planning*, to be held on 12/10/12, for 5.5 CEUs. The motion carried unanimously.

Health Care Association of New Jersey (HCANJ)

Matthew "Matt" Long: Determination to Fight Through Fear, Despair, Loneliness and Intense Physical and Psychological Pain, 10/23/12, Requesting 2.0 CEUs

The Impact of Drug Formularies in Managed Care: Pharmacy Costs are a Primary Concern!, 10/23/12, Requesting 2.0 CEUs

Accountable Care Organizations (ACOs) 101: What are ACOs and Why Should I Care?, 10/23/12, Requesting 2.0 CEUs

Managing Change: Who's Moving My Cheese?, 10/23/12, Requesting 2.0 CEUs

Risk Management: Revenue Generating & Top Line Growth Strategies for Health Care Providers, 10/24/12, Requesting 2.0 CEUs

Care Transitions: Partnerships That Work for Patients, 10/24/12, Requesting 2.0 CEUs

Avoiding Hospitalization for Behavioral Disturbances, 10/24/12, Requesting 2.0 CEUs

Leadership & Team Building: Less Stress & Supportive Co-Workers = Service Improvement!, 10/24/12, Requesting 2.0 CEUs

Marketing Strategies: Overselling is not the Key! Realistic Expectations are the Key to Satisfied Clients!, 10/24/12, Requesting 2.0 CEUs

The Impact of ACOs on SNF Quality: Real World Patient Quality Metrics of Interest to ACOs, 10/24/12, Requesting 2.0 CEUs

Satisfaction Surveys: Opening the Doors to Managed Care to Demonstrate Your Desirability for Managed Care Networks, 10/24/12, Requesting 2.0 CEUs

Fun'N Functional Tool Kits: A Resident's Motivating Component!, 10/24/12, Requesting 2.0 CEUs

Mr. Salitsky reviewed the applications for approval of continuing education from Health Care Association of New Jersey. Mr. Salitsky made a motion, seconded by Ms. Squier, to approve the courses listed above for the CEUs requested. The motion carried unanimously.

Ms. Howard reminded the Board that it expressed concern at a previous meeting regarding HCANJ advertising credits for its March symposium from Delaware that had not been approved. The CE approval notice mailed to HCANJ stated the Board's concern and advised HCANJ not to falsely advertise credits in the future. The documentation received for HCANJ's October convention and reviewed at this meeting also falsely listed CE credits as being approved by the Delaware Board prior to the Board's review of the applications. Ms. White instructed Ms. Howard to send a reminder letter to HCANJ that they must receive notification of Board approval for their courses prior to advertising CE credits.

LNZ Consulting

Maintaining Professionalism – Managing Ourselves & Others, 9/24/12, Requesting 3.5 CEUs

Ms. Hague reviewed the application for approval of continuing education from LNZ Consulting. Ms. Hague noted that the supporting documentation received with the application represented three hours and fifteen minutes of course time. Ms. Hague made a motion, seconded by Ms. Wimbush, to approve the course titled, *Maintaining Professionalism – Managing Ourselves & Others*, held on 9/24/12 for 3.25 CEUs. The motion carried unanimously.

Division of Long Term Care Residents Protection

Antipsychotics & Dementia: Alternative Care Management, 7/25/12, Requesting 2.0 CEUs

Ms. White reviewed the application for approval of continuing education from the Division of Long Term Care Residents Protection, and noted that the date, location, and credits listed on page 2 of the application did not match the supporting documentation received. Ms. White also noted that only two of four instructor bios/resumes were received with the application. Ms. White made a motion, seconded by Mr. Salitsky, to deny the course titled, *Antipsychotics & Dementia: Alternative Care Management*, held on 7/25/12 for 2.0 CEUs as requested. The Board will reconsider a new application if submitted with the correct information. The motion carried unanimously.

Legislative Memo from DPR Director, James Collins

Mr. Stevenson advised that any bills proposed by the Board need to be forwarded to Division Director, James Collins, no later than November 16, 2012.

COMPLAINT UPDATES

COMPLAINT 29-01-11 (WHITE) DISMISSED BY ATTORNEY GENERAL'S OFFICE FOR "INSUFFICIENT EVIDENCE"

Ms. White reported that Complaint 29-01-11 has been dismissed by the Attorney General's office for insufficient evidence.

DISCIPLINE & COMPLIANCE UPDATES

WILLIAM DELANEY – REVIEW DOCUMENTS FOR COMPLIANCE WITH CONSENT AGREEMENT AND CONSIDER REQUEST TO LIFT PROBATION

Ms. Howard summarized the terms of the Board's Order for William Delaney. Ms. White and Mr. Salitsky reviewed CE documentation submitted by Mr. Delaney in response to his Board Order. Mr. Salitsky made a motion, seconded by Ms. Squier, to accept the CE credits presented by Mr. Delaney and to lift the probation on his license. The motion carried unanimously.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

CERTIFICATE OF APPRECIATION, TIM BALLAS (Missing 2 Signatures: Squier & Bane)

Ms. Squier and Mr. Bane signed the Certificate of Appreciation for Tim Ballas. Ms. Howard will mail the certificate to Mr. Ballas.

2013 MEETING SCHEDULE

The Board reviewed its 2013 meeting schedule. There was no discussion.

PUBLIC COMMENT

None

NEXT SCHEDULED MEETING

The next meeting is scheduled to be held on January 8, 2013 at 1:00 p.m. in the second-floor Conference Room B of the Cannon Building located at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Ms. White made a motion, seconded by Ms. Wimbush, to adjourn the meeting at 2:34 p.m. The motion to adjourn carried unanimously.

Respectfully submitted,

A handwritten signature in black ink that reads "Michele Howard". The signature is written in a cursive, flowing style.

Michele Howard
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.